



General Assembly

February Session, 2000

**Amendment**

LCO No. 5262

Offered by:

SEN. DAILY, 33<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 508

File No. 317

Cal. No. 251

***"An Act Concerning Minor Revisions To Certain  
Environmental Laws."***

1 After line 261, insert the following and renumber the remaining  
2 section accordingly:

3 "Sec. 11. Section 22a-196 of the general statutes is repealed and the  
4 following is substituted in lieu thereof:

5 No asphalt batching or continuous mix facility shall be located in an  
6 area which is less than one-third of a mile in linear distance from any  
7 hospital, nursing home, school, area of critical environmental concern,  
8 watercourse, or area occupied by residential housing. Such distance  
9 shall be measured from the outermost perimeter of such facility to the  
10 outermost point of such zones. [provided that] The provisions of this  
11 section shall not apply to (1) any such facility in operation as of  
12 December 31, 1997, [shall not be subject to the provisions of this  
13 section] and (2) a new facility where (A) there exists within such area,  
14 at or adjacent to the proposed location of such new facility, one or  
15 more facilities that operate under a permit issued pursuant to section  
16 22a-174 to operate an asphalt batching or continuous mix facility or to

17 operate fuel burning equipment, (B) the applicant certifies to the  
18 commissioner as part of the permit application that two or more  
19 existing and operating asphalt batching or continuous mix facilities  
20 under the applicant's ownership or control will cease to operate and  
21 their permits will be surrendered upon the issuance of a permit to  
22 operate the new facility and that at least one of the existing facilities is  
23 not more than twenty miles from the proposed new facility, and (3) the  
24 new facility will produce a net decrease in total air pollutants, on a per  
25 ton basis, as compared to the existing facilities under the applicant's  
26 ownership or control.

27 Sec. 12. Subdivision (1) of section 22a-134 of the general statutes, as  
28 amended by section 56 of public act 99-241, is repealed and the  
29 following is substituted in lieu thereof:

30 (1) "Transfer of establishment" means any transaction or proceeding  
31 through which an establishment undergoes a change in ownership, but  
32 does not mean (A) conveyance or extinguishment of an easement, (B)  
33 conveyance of property through a judicial foreclosure, (C) conveyance  
34 of a deed in lieu of foreclosure to an institutional lender, including, but  
35 not limited to, a banking institution, (D) conveyance of a security  
36 interest including, without limitation, a mortgage, (E) renewal of a  
37 lease, (F) conveyance, assignment or termination of a lease for a period  
38 less than twenty-five years from the date of such conveyance,  
39 assignment or termination, including options or extensions of such  
40 period, (G) any change in ownership approved by the Probate Court,  
41 (H) conveyance of title to a surviving joint tenant, or to a trustee,  
42 executor, or administrator under the terms of a testamentary trust or  
43 will, or by intestate succession, (I) corporate reorganization not  
44 substantially affecting the ownership of the establishment, including,  
45 but not limited to, stock dividend distributions or stock distributions  
46 in connection with a merger, (J) the original issuance of stock or other  
47 securities of an entity which owns or operates an establishment, (K) the  
48 transfer of stock, securities or other ownership interests representing  
49 less than a majority of the voting power of the entity that owns or  
50 operates the establishment, (L) any conveyance of an interest in an

51 establishment where the transferor is the sibling, spouse, child, parent,  
52 grandparent, child of a sibling or sibling of a parent of the transferee,  
53 (M) any conveyance of a portion of a parcel upon which portion no  
54 establishment is or has been located and upon which there has not  
55 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
56 of hazardous waste, provided either the area of such portion is not  
57 greater than fifty per cent of the area of such parcel or written notice of  
58 such proposed conveyance and an environmental condition  
59 assessment form for such parcel is provided to the commissioner sixty  
60 days prior to such conveyance, (N) conveyance of a service station, as  
61 defined in subdivision (5) of this section, (O) any conveyance of a  
62 parcel which, prior to July 1, 1997, had been developed solely for  
63 residential use and such use has not changed, (P) any conveyance of a  
64 parcel to [any entity created or operating under chapter 130 or 132, or  
65 to an urban rehabilitation agency, as defined in section 8-292, or to a  
66 municipality under section 32-224, or to] the Connecticut Development  
67 Authority or any subsidiary of the authority, [or] (Q) any conveyance  
68 of a parcel in connection with the assembly of properties to effectuate  
69 the development of the convention center facilities, the sportsplex and  
70 the related parking facilities, each as defined in section 32-651, (R) the  
71 conversion of a general or limited partnership to a limited liability  
72 company under section 34-199, (S) the transfer of general partnership  
73 property held in the names of all of its general partners to a general  
74 partnership which includes as general partners immediately after the  
75 transfer all of the same persons as were general partners immediately  
76 prior to the transfer; and (T) the transfer of general partnership  
77 property held in the names of all of its general partners to a limited  
78 liability company which includes as members immediately after the  
79 transfer all of the same persons as were general partners immediately  
80 prior to the transfer."